IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 401 OF 1993.

Ramchandra Bhiwa Sawant & anr. ... Petitioners.
V/s.
Smt. Laxmibai Eknath Sawant & anr. ... Respondent.

None for the petitioners.
Shri S.A. Sawant & H.V. Kode for respondent Nos. 1 & 2.

CORAM : V.C.DAGA, J.

DATED : 29.8.2006.

P.C. :

. When this petition was called out, nobody was present on behalf of the petitioners. Shri Sawant, appearing for respondent Nos. 1 & 2 was heard. With his assistance, the impugned order was perused. From the impugned order it appears that the order passed by the Collector, Sindhudurg dated 22.4.1990 in RTS Appeal No. 6 of 1989 under section 247 of the Maharashtra Land Revenue Code, 1966, (M.R.Code) came to be confirmed. The operative part said order reads as under:

> . "The Appeal is dismissed. The names of Smt. Laxmibai Eknath Sawant and Smt. Ratnaprabha Eknath Sawant be entered in Survey No. 304-A1, Hissa No. 3A (Walucha Nara) of village of village Aravali, Taluka Vengurla, District Sindhudurg as legal heir of deceased Eknath Bhiwa Sawant. No order as to costs. The parties be intimated."

2. Aggrieved by the aforesaid order, the petitioner preferred revision application before the

Additional Commissioner, Konkan Division, Bombay, under section 257 of the Maharashtra Land Revenue Code, 1966. The Additional Commissioner after hearing both the parties was pleased to confirm the order passed by the Collector reproduced hereinabove, vide order dated 31.10.1992.

3. Having examined the impugned order passed by the authority below, no fault can be found with the view taken in the impugned order. No case is made out in the petition to interfere with the order impugned in the petition. The petition is, thus, liable to be dismissed. However, it is required to be made clear that this order shall not come in the way of the petitioners, if they decide to file civil dispute in the civil Court to establish their title in accordance with law and obtains proper declaration in that behalf. With these observations petition is dismissed. Rule is discharged with no order as to costs.

(V.C.DAGA,J.)